

REMARKS

The Office Action mailed March 11, 2008 has been carefully considered. Within the Office Action Claims 1-14 and 17-28 have been rejected. The Applicants have amended Claims 1, 8 and 17 and have cancelled Claims 12-14 and 24-28. The Applicants reserve the right to further pursue the cancelled claims in a continuation and/or divisional application as well as for appeal purposes. In addition, the Applicants have added new Claims 29 and 30, which are fully supported by the specification and do not contain new matter. Reconsideration in view of the following remarks is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1, 2, 8, 9 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,359,550 to Brisebois et al. (hereinafter “Brisebois”) in view of U.S. Patent No. 6,963,762 to Kaaresoja et al. (hereinafter “Kaaresoja”). This rejection is respectfully traversed.

Specifically, the Office Action alleges that the claimed subject matter is disclosed in Brisebois except that Brisebois does not teach a haptic logo providing information identifying an originator of the input signal. The Office Action further alleges that Kaaresoja teaches a haptic logo providing information identifying the originator of the input signal and that it would be obvious to one having ordinary skill in the art to incorporate the two references to reach the claimed subject matter. The Applicants respectfully disagree for the reasons set forth below.

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of

ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (“Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**”) (emphasis added).

Applicant’s specification describes in an embodiment a handheld communication device such as a mobile phone that is configured to allow a user to include haptic information or a haptic code in an outgoing communication signal, e.g., carrying a voice call, an e-mail, or a message. The haptic code is configured to cause a haptic effect to be output when the communication signal is delivered to another handheld communication device. In an example embodiment, businesses and organizations may each be associated with a distinct haptic logo (e.g., a particular vibration pattern) and include their haptic logos in various messages sent to the handheld communication devices of their customers. (Specification, Paragraph 0027).

Brisebois describes a device having an array of stimulators which the user with tactile messaging with respect to call processing or call network status. The stimulators are activated independently so as to provide the user with an encoded message of call processes such as alerting, dial tone, busy signal, etc, whereby each call process status is associated with a pattern of operation of the stimulators. (Brisebois, Abstract). In contrast to the claimed subject matter, Brisebois does not teach or suggest that the received input signal has a haptic code therein. Instead, Brisebois’s device stores a set number of tactile patterns in its memory, and the CPU

retrieves the stored tactile patterns based on the nature of the received signal (e.g. network busy, dial tone, etc.). Therefore, Brisebois's device can only produce a limited number of haptic effects, because there are only a limited number of actions which occur in the network (e.g. dial tone, ringing tone, party signal, ring back signal).

Karesoja describes a mobile phone that sends and receives tactile icons, which are vibration patterns, indicative of a message desired to be communicated between users of such mobile phones. The mobile phone includes a vibratory device that produces a tactile sensation in response to control signals issued by a controller when a message having the tactile icon is received. (Karesoja, Abstract). In contrast to the claimed subject matter, there is no teaching or suggesting in Karesoja that the haptic code includes a haptic logo which corresponds to and distinctly identifies the originator.

The combination of Brisebois and Karesoja do not teach or suggest each and every element/limitation in the claims. In contrast to cited references, an embodiment of Applicants' device receives a input signal that is sent from an originator and extracts a haptic code from the input signal. The haptic code includes a haptic logo which distinctly corresponds to that particular originator. The device then outputs a haptic effect which is associated with the haptic logo, wherein the haptic effect informs, to the receiver of the input signal, the identity of the originator. Brisebois's device does not receive an input signal from the originator which includes haptic code therein, as recited in the Claims. Instead, Brisebois's device only receives the nature of the haptic effect which is to be delivered, such as an alerting or busy signal. (Brisebois, Col. 6, Lines 1-4) (emphasis added). Thus, Brisebois's device does not extract the haptic code from within the input signal, as recited in the Claims. Additionally, Karesoja does not teach or suggest that a tactile icon sent from an originator actually informs the receiver of the tactile icon

as to the identity of the originator. Instead, all that Kaaresoja mentions is that the different types of vibration patterns may be sent from the source. Accordingly, the office action fails to establish a *prima facie* case of obviousness as to Claims 1, 7 and 18, and withdrawal of the rejection is respectfully requested.

Additionally, one skilled in the art would also have no motivation to combine Brisebois and Kaaresoja to reach the claimed subject matter. Brisebois specifically states that the haptic information in the input signal is controlled by the network and is responsive to a set of known network signaling or call status signals which are received by the mobile device to produce tactile messages. (Brisebois, Col. 6, Lines 9-17). As stated above, Brisebois's device only receives the nature of the haptic effect which is to be delivered, such as an alerting or busy signal, and does not have the ability to extract the haptic code from the received input signal. Thus, Brisebois's device can only produce a limited number of haptic effects, because there are only a limited number of actions which occur in the network (e.g. dial tone, ringing tone, party signal, ring back signal). One skilled in the art reading Brisebois would come to the realization that an originator would not be able to send a haptically coded input signal to Brisebois's device and expect Brisebois's device to work properly. For at least these reasons, there would be no apparent reason to combine Brisebois with Kaaresoja to reach the claimed subject matter in Claims 1, 7 and 18. Accordingly, Claims 1, 7 and 18 are allowable over the cited references.

Claims 2-4, 9-11, and 18-23 are dependent on respective Independent Claims 1, 8 and 17. As stated above, Claims 1, 8 and 17 allowable over the cited references. Accordingly, Claims 2-4, 9-11, and 18-23 are allowable for being dependent on allowable base claims.

Second Rejection under 35 U.S.C. § 103

Claims 5-7, 12-14 and 24-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,727,916 to Ballard in view of International Publication No. WO 02/03172 to Wies et al. (hereinafter “Wies”). This rejection is respectfully traversed. However to expedite prosecution, Applicants have cancelled Claims 5-7, 12-14 and 24-28. Withdrawal of the rejection is respectfully requested.

Third Rejection under 35 U.S.C. § 103

Claims 3, 10 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brisebois in view of Kaaresoja as applied to claims 1, 8 and 17 above and further in view of U.S Patent Application Publication 2004/0059790 to Austin-Lane et al. (hereafter “Austin-Lane”). This rejection is respectfully traversed. However, these claims are dependent on allowable base claims and thus are also allowable.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: June 11, 2008

/Suvashis Bhattacharya/
Suvashis Bhattacharya
Reg. No. 46,554

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax (408) 287-8040